



Netherlands, The

Country Reports on Human Rights Practices - [2004](#)

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The Netherlands is a constitutional monarchy with a bicameral parliamentary legislative system. Parliamentary elections were held in January 2003. The Prime Minister and a Cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The civilian authorities generally maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The market-based economy was export oriented and featured a mixture of industry, services, and agriculture. The country's population was approximately 16.3 million. Living standards and the level of social benefits were high. Unemployment was approximately 6.2 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. On November 2, film director Theo van Gogh was killed in an attack with religious/political motives. The killing led to instances of violence between the Muslim and non-Muslim communities, including arson attacks on religious schools, churches and mosques. Discrimination and some violence against minorities continued to be a concern. Violence against women and children was a problem. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems, including new legislation, improved social services, public outreach, and modified administrative procedures.

Aruba and the Netherlands Antilles are two autonomous regions of the Kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice, respect for human rights in these islands generally was the same as in the Netherlands; however, the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On November 2, film director Theo van Gogh was killed on the street in a religiously and/or politically motivated attack. Van Gogh was well known for inflammatory rhetoric and extreme forms of expression in his art, including criticism of Islamic practices. Police arrested a 26-year-old Dutch man of Moroccan descent, who was awaiting trial at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

There were incidents of rightwing and racist violence against religious and ethnic minorities. There was an upsurge of attacks against Muslim and Christian institutions after the November van Gogh killing (see Section 2.c.).

Prison conditions in the country generally met international standards, and the Government permitted visits by independent human rights observers.

Male and female prisoners were held separately. In addition, juvenile prisoners were held separately from adults, and pretrial detainees were held separately from convicted criminals.

During the year, the Governments of the Netherlands Antilles and Aruba improved prison staffing and capacity to address concerns by the Council of Europe's Committee for the Prevention of Torture. Authorities expanded prison activities, health care, and amenities, lessening inmate tensions. Prisoners also were eligible for early release. Both governments took steps to alleviate overcrowding. They completed renovations at the Rio Canario Detention Center on Curacao and expanded Aruba's Correctional Institute Aruba (KIA) prison to house 300 prisoners, up from 250. Despite these improvements, problems remained. On Curacao, illegal immigrants vandalized their barracks in protest over their treatment. On Aruba, 90 KIA prisoners, including 9 who sewed their mouths shut, held a hunger strike over prison conditions, including lack of recreational time and poor food. On Bonaire, the Chief Public Prosecutor ordered the release of a large number of detainees (mostly drug couriers arrested at the airport) from the Police Detention Center because of overcrowding and poor conditions. The Government of the Netherlands continued to provide assistance to improve prison conditions and management.

The Governments of the Netherlands Antilles and Aruba permitted access by independent human rights observers to prisons; however, no such visits occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Regional police forces have primary responsibility for maintaining internal security. The Royal Constabulary and investigative organizations also have specified responsibilities for internal and external security. The police were effective, conducting their investigations in a highly professional manner with due respect for the human rights of suspects. There were no indications of systematic police corruption or imputations of widespread improprieties. However, at year's end, the military police, which is responsible for Amsterdam Schiphol airport and border control generally, acknowledged that it had been investigating credible allegations of drug trafficking and corruption involving baggage handlers, customs personnel, and shop personnel at Schiphol Airport. At year's end, 18 employees of private organizations working at Schiphol had been prosecuted and were awaiting a final court verdict.

Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. A prosecutor or senior police officer must order arrests. Police officers may question suspects for a maximum of 12 hours and may detain a suspect for up to 6 days upon an order of the public prosecutor. If the prosecutor believes an investigation is necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumes responsibility over the investigation. Defense attorneys have the right to be present during any questioning.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law requires that defendants be informed fully at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal. There is no provision for bail.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in

practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided subsidies to religious organizations that maintained educational facilities.

In its latest report covering the period between May 2003 and May, the Center for Information and Documentation on Israel registered 334 anti-Semitic incidents, compared to 359 in 2002, the first decrease (7.5 percent) in anti-Semitic incidents since 2000. In addition, the number of serious incidents (physical violence, threat with violence, and defacing of cemeteries and synagogues) decreased by 40 percent. Provisional statistics covering the first 4 months of the year confirmed this trend. A considerable number of offenders were of North African origin.

The National Expertise Center for Discrimination dealt with cases of discrimination that come under criminal law, registering all criminal cases in this area. In 2002 and 2003, the joint prosecutor offices recorded 242 and 204 discrimination cases respectively, of which about a quarter concerned cases of anti-Semitism. Although the Government has repeatedly condemned any form of anti-Semitism, it rejected a 2003 request from Parliament for a separate policy designed to combat anti-Semitism, noting that it presented a comprehensive action plan in 2002 to combat any form of discrimination.

In the two weeks following the November 2 public killing of film director Theo van Gogh by a Dutch man of Moroccan descent, unknown persons carried out upwards of 30 arson attacks against mosques, Muslim schools, churches, and other property. For example, on November 8, unknown persons firebombed the Tariq Ibnu Ziyad Islamic elementary school in Eindhoven. On November 9, unknown persons burned an Islamic elementary school in the town of Uden and left writing on the school walls linking the crime to the Van Gogh killing; on the same day, there were arson attacks on churches in Utrecht and Amersfoort. By year's end, there had been 12 arrests of suspects allegedly belonging to a terrorist organization, including six from a criminal/terrorist cell linked to the murder of Van Gogh.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Asylum seekers were permitted to apply for residence status, except those who came from a so called safe country of origin or stayed for some time in a safe country of transit. The Government's asylum policy was designed to protect genuine refugees while excluding economic migrants and illegal immigrants. The Government pursues an active policy aimed at returning screened-out asylum seekers and illegal immigrants to their home country and offers assistance to those prepared to return voluntarily. It provided protection against refoulement, the return of persons to a country where they feared prosecution. In August, Amnesty International criticized the Government for returning persons to Somalia where it claimed two were killed; however, the Government rejected any causal link between their expulsion and subsequent violent death.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Parliamentary elections were held in January 2003.

The law requires the executive branch to provide full information on administrative matters unless publication of such information runs counter to the public interest. Exceptions are clearly defined, and administrative courts review any dispute.

There were no restrictions in law or in practice that hindered the participation of women and minorities in government and politics. There were 60 women in the 150 seat Second Chamber of Parliament, and there were 5 female ministers in the 16-member Cabinet. The Government pursued an active policy of promoting the participation of women in politics and public administration. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

There were approximately 15 members of minorities--Turkish, Moroccan, Iranian, Surinamese, and Somali--in the 150-seat Second Chamber of Parliament. There were no ethnic minority political parties or movements specifically represented in Parliament.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination on the basis of race, gender, disability, language, social status, political preference, or sexual orientation. Under the Equal Treatment Act, complainants may sue alleged offenders under civil law.

Women

Domestic violence against women was a problem. According to a 2004 Justice Ministry report, more than 15 percent of women had been sexually abused by relatives before reaching the age of 16; 11 percent of women ages 20 to 60, mainly from ethnic minority groups, had suffered from physical violence in a relationship over a long period of time. Only about 12 percent of cases were reported to the police. The maximum sentence for marital rape is 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. During the year, approximately 800 men were prosecuted for beating their partners. Societal costs caused by violence against women were estimated at \$202 million (150 million euros) per year.

In 2003, the Justice Ministry opened a special website on domestic violence with information for victims and welfare organizations. In July, the Government established a national network of advisory and assistance centers for victims and perpetrators of domestic violence and allocated \$10.5 million (7.8 million euros) for the period through 2007, and \$4.1 million (3 million euros) in the years thereafter. The Government also decided to build more shelters for battered women.

Female Genital Mutilation (FGM) is prohibited. According to a current report from the Ministry of Public Health, Welfare, and Sport, there are no reliable figures on the scale of the problem, especially of immigrant girls who undergo FGM in their countries of origin and return to the country. In April, the Government established a special FGM committee to advise on the complex legal, ethical, human rights, medical, and social questions surrounding prevention and monitoring measures. The FGM committee is expected to release its report in March 2005.

Prostitution is legal for persons who are at least 18 years of age and engage in the work voluntarily; however, organizing the prostitution of another person is a crime even if done with the consent of the prostitute. It is illegal to force a person into prostitution. The Government has strict licensing standards for brothel operators and has improved working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants and making prostitution less susceptible to criminal organizations. Trafficking of women for sexual exploitation remained a problem (see Section 5, Trafficking). There were approximately 25,000 prostitutes; roughly two-thirds were from non-European Union (EU) countries.

The law requires employers to take measures to protect workers from sexual harassment; however, a study by the Applied Science Research Institute's labor division showed that 5.3 percent of female workers were sexually intimidated in the workplace in 2003. The Government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

The law mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides equal treatment in other employment-related areas. There is an Equal Treatment Commission that investigated complaints of discrimination in these areas as well as allegations of pay discrimination.

Although women increasingly entered the job market, traditional cultural factors and an inadequate number of daycare facilities discouraged women from working. Female unemployment was approximately 7 percent. The social welfare and national health systems provided considerable assistance to workingwomen with families. Women were eligible for 16 weeks of maternity leave

with full pay. The law allows both parents to take unpaid full time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8 years of age. Persons working fewer than 20 hours per week also were entitled to parental leave.

The Social Affairs Ministry reported that women often were underemployed, had less chance of promotion, and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earned 23 percent less than men, although, when adjusted for level of experience and expertise required for the jobs, this differential fell to 7 percent.

The Government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women.

Children

The Government worked to ensure the well being of children through numerous well-funded health, education, and public information programs. Compulsory education ends at age 16, or after at least 12 years of education. Education was free for children between the ages of 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools.

Child abuse was a problem. According to the Child Abuse Reporting and Advisory Center (AMK), approximately 50,000-80,000 children were victims of child abuse each year, although only 28,000 formal reports of abuse were registered in 2003, about 13 percent more than in 2002. Approximately 50 children reportedly die each year as a result of abuse. According to the AMK, a national child abuse information campaign, which began in December 2003, led to increased reports of victims, and therefore, longer waiting lists for assistance. The Council for the Protection of Children, which operated through the Ministry of Justice, enforced child support orders, investigated cases of child abuse, and recommended remedies ranging from counseling to withdrawal of parental rights. The Government also maintained a popular hotline for children and a network of pediatricians who tracked suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 is a criminal offense. The law provides for the prosecution of sexual abusers of children between the ages of 12 and 16 without requiring that affected parties file a complaint. The law provides maximum penalties of 6, 8, and 10 years' imprisonment for sex (in the context of prostitution) with minors under the ages of 18, 16, and 12, respectively. Under the law, citizens and noncitizens permanent residence in the country who abused minor children in foreign countries could be tried and convicted even if the offense is not a crime in the country where it took place.

The maximum penalty for the distribution of child pornography is 6 years' imprisonment. The law allows for provisional arrest, house searches, and criminal financial investigations of child pornography. The possession of child pornography is also punishable by law. Under the law, persons under the age of 18 are not allowed to perform in pornographic films. The law also criminalizes the electronic manipulation of images of children for sexual purposes. The Government continued its campaign against child pornography on the Internet. The Child Porn Reporting Center and the national police reported 6,000 cases of Internet child pornography in 2003, down from 6,119 reports in 2002. In 2003, approximately 100 child pornography cases were prosecuted, compared to 80 in 2002 and 30 in 2001.

Trafficking in Persons

The law criminalizes alien smuggling and trafficking in persons; however, trafficking in persons was a problem.

Legislation became effective on January 1, 2005 raising the maximum sentence for trafficking in persons to 12 years' imprisonment in case of serious physical injury and 15 years' imprisonment in case of death, which is commensurate with penalties for other grave crimes (i.e. rape) and in conformity with U.N. and EU protocols. The law also expands the definition of people trafficking to all forms of modern slavery. It defines exploitation as "exploitation of another in prostitution, other forms of sexual exploitation, forced or compulsory labor or services, slavery and practices that can be compared to slavery or bondage." The law prohibits the employment of prostitutes under the age of 18.

In 2003, authorities prosecuted approximately 189 trafficking cases, compared to 165 in 2002. In February, an Alkmaar district court imposed prison sentences varying from 3.5 to 12 years on 4 men suspected of having trafficked 3 East European women into the country for prostitution. In May, the Lelystad police arrested three men and two women for having lured African women from Brussels to the country, where they were forced to work as prostitutes and act in pornographic videos. In June, the Friesland police arrested two men and one Romanian woman suspected of having trafficked East European women. In July, The Hague police arrested 6 persons, and the Alkmaar police arrested the owner of an escort service suspected of having exploited minors. In August, the Rotterdam court sentenced 3 persons to 3 to 21 months' imprisonment for having lured 2 girls into prostitution. All these cases were still pending in court at year's end.

The Government actively combated trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and

Health, and Social Affairs were involved, and a number of local police forces established special units to deal with trafficking. A National Police team with authority over approximately 500 police focused exclusively on trafficking investigations and provided specialized training to police in the identification and protection of possible trafficking victims. The National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, reported annually to the Government on the nature, extent, and mechanisms of trafficking as well as on the effects of national policies. Authorities participated in international investigations and set up a Joint Investigation Team with the United Kingdom, Belgium, Germany, and the European Police Agency (Europol) to combat trafficking in persons in Bulgaria. The Government also cooperated closely with other governments on trafficking, and Europol, established in The Hague, provided analytical support and administrative expertise to law enforcement agencies on trafficking matters.

The country was a destination and transit point for trafficked persons. Nongovernmental organizations (NGOs) and the police estimated that the number of women and girls trafficked for the purpose of sexual exploitation ranged from 1,000 to 3,600. The Foundation against Trafficking in Women registered 257 victims in 2003, of whom 134 came from Central and Eastern Europe; lesser numbers came from African countries, primarily Nigeria and Sierra Leone, and from South America, China and Thailand. In 2002, the Rapporteur reported that 625 trafficking victims contacted organizations offering assistance to victims.

Trafficking within the country was also a problem. The National Rapporteur reported that of approximately 55 police investigations, 24 percent related to internal trafficking. The victims were young, mostly immigrant girls, who were recruited internally by so-called "lover boys," primarily young Moroccans or Turks living in the country, who lured them into prostitution. In July, the Government announced an action plan to step up the fight against this specific problem. Various organizations and local governments initiated specific assistance and prevention programs for potential victims of "lover boys."

The Government effectively eliminated from refugee centers the disappearances of single underage asylum seekers, who were later found in the illegal prostitution business, by tightening immigration regulations and controls and security at refugee centers.

A 2003 report of the Foundation Against Trafficking in Women listed Bulgaria, Nigeria, Romania, Brazil, and Russia as the top five originating countries for women trafficked to the country. Of the 257 victims registered in 2003, approximately 20 were under age 18.

According to the reports by the National Rapporteur and the police, practically all trafficked women are forced to work in the illegal prostitution sector.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims are allowed 3 months to consider pressing charges, and victims who did so were allowed to stay in the country until the judicial process was completed. During this period, victims received legal, financial, and psychological assistance. In special circumstances, residence permits were granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes were eligible for temporary financial assistance before returning to their native countries.

The Government subsidized NGOs working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims.

The Justice Ministry co-financed the La Strada program, aimed at preventing trafficking in women in Central and East European countries. Other prevention initiatives included the Travel Agents' Association distribution of warnings about trafficking and sex with minors and public awareness campaigns aimed at tourists and travel agencies meant to deter sexual exploitation of children.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, according to the Dutch Council for Chronic Patients and the Handicapped, public buildings and public transport often were not easily accessible.

Approximately 10 percent of the work force was on full or partial disability. The Equal Treatment Act of Handicapped People and the Chronically Ill, which became effective in May, requires the equal treatment of persons with disabilities and those who suffer from chronic diseases. The law bans discrimination against persons with disabilities in employment, education, and public transport. Complaints may be filed with the Equal Treatment Committee.

National/Racial/Ethnic Minorities

Approximately 20 percent of the population (3 million persons) is of foreign origin, including 1.6 million who belong to ethnic minority groups, principally Turkish, Moroccan, Surinamese, and Antillean.

Following the November 2 killing of film director Theo Van Gogh by a Dutch man of Moroccan decent, there was a brief upsurge of incidents, mostly minor but also including a dozen or so instances of arson attacks against property both of the minority Muslim community and Christian churches. There were numerous minor incidents, including intimidations, brawls, vandalism,

and spraying of abusive texts, almost all of which ended by December.

Incidents of physical assault against minorities were rare, but such minorities frequently were confronted with verbal abuse and intimidation and were denied access to public venues, such as discotheques.

Members of immigrant groups faced some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. Despite these actions, unemployment among ethnic minorities appeared to be growing again to more than 10 percent. The minority unemployment rate remained 3 times that of the ethnically Dutch workforce.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, the Equal Opportunities Committee, the National Ombudsman, the Commercial Code Council, as well as the Council for Journalism, the European Court of Justice, and the European Human Rights Court addressed complaints about racism and discrimination. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for nonethnic Dutch persons to obtain a mobile phone or to gain access to clubs. The Equal Opportunities Committee primarily addresses incidents of discrimination in the labor market, including discrimination on the work floor, unequal pay, termination of labor contracts, and preferential treatment of non-ethnic employees. There was societal criticism of Muslims for such perceived problems as the poor integration of Muslim immigrants into society, the high level of criminal activity among Muslim youth, and the conservative views of orthodox Muslims on topics such as women and corporal punishment.

The police have a contact person for discrimination in each of the 25 regional police forces, a National Bureau of Discrimination Cases (which acts as a clearing house and database for police forces nationwide), and a national registration system of cases of racism and discrimination to provide a comprehensive database of such cases.

The Prosecutor's Office also has established a National Expertise Center on Discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination. The government sponsored National Association of Anti-Discrimination Bureaus registered approximately 3,600 complaints in 2003, two thirds of which were based on racial discrimination. The number of complaints was about 9 percent lower than in 2002.

With the proliferation of Internet websites, the dissemination of racial and discriminatory material increased. The Discrimination on the Internet Registration Center registered 1242 complaints compared to 1496 statements on the Internet in 2003, a slight increase over 2002. A reported 649 statements concerned racist statements, and 514 were anti-Semitic in nature. The Center observed a sharp increase in anti-Muslim and anti-Semitic statements on ultra rightwing sites such as the new Nazi "Stormfront" website. The Government argued that it could not take action against "Stormfront" because it used a foreign Internet service provider. In other cases, the Center requested the drafters of statements on Dutch sites to remove them from Internet, which usually happened. In the few cases in which drafters refused to do so, the Internet service provider either issued a warning at the Center's request or blocked the customer's account. A handful of the most serious cases were reported to the public prosecutor, but convictions remained rare.

Other Societal Abuses and Discrimination

Homosexuals increasingly faced harassment by pockets of mainly Muslim youth in the larger cities. The Government started an information campaign to counter homophobia among Muslim youth.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right in practice. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The Constitution provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised this right in practice. The law provides for the right to strike, and workers exercised this right in practice, except for most civil servants, who have other institutionalized means of protection and redress. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. The tripartite Labor Commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set by law. The Social Ministry's Labor Inspection Office oversaw observance of the rules. Although child labor is prohibited, an increasing number of children worked for pay during holidays. Labor inspectors reported on the parents of such children, and the Public Prosecutor could prosecute the parents for violating the prohibition on child labor. In 2004, labor inspections found that 28 percent of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

e. Acceptable Conditions of Work

The minimum wage for adults is established by law and may be adjusted every 6 months to reflect changes in the cost of living index. The minimum wage and social benefits available to minimum wage earners provided an adequate standard of living for a worker and family.

The law sets a 40-hour workweek. The average workweek was 30.6 hours (38.7 hours for full-time and 20 hours for part-time workers). Anyone working more than 4.5 hours per day was entitled to a 30-minute break.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, were monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitored standards through its Labor Inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment.